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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,001	02/20/2002	Yuji Sawada	0992-0127P	4536

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EXAMINER


ALEJANDRO, RAYMOND

ART UNIT PAPER NUMBER

1745

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/069,001	SAWADA ET AL. 	
	<b>Examiner</b>	<b>Art Unit</b>	
	Raymond Alejandro	1745	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 2,4,7,10-13,15 and 17-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6,8,9,14 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>02/20/02</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group I and Species 1 (accordingly, claims 1, 3, 5-6, 8-9, 14 and 16) in the response dated 11/20/03 is acknowledged. The traversal is on the ground(s) that "the elected invention and the uses recited in Groups III and IV have the same technical feature". This is not found persuasive because even though the distinct inventions appear to have the same technical feature, such special technical feature (*i.e. the specific layer of an adhesive resin*) does not provide a contribution over the prior art as, at least, evidenced by the Japanese document JP 11086808. That is to say, the technical feature recited in the foregoing inventions lack novelty as required under PCT Lack of Unity rules.

The requirement is still deemed proper and is therefore made **FINAL**.

### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 02/20/02 was considered by the examiner.

### ***Specification***

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. *In this respect, it is noted that some terms have been misspelled throughout the specification, for example, a) the term "positive" at page 1, 2<sup>nd</sup> full paragraph, line 5; b) the term "carbxylic" in page 12, line 12.* Further correction is herein required.

### ***Claim Objections***

5. Claims 1, 3, 14 and 16 recite the limitations: a) "*the electrolyte*" in lines 1 or 2; and b) "*the electrode part*" in lines 2 or 3. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 9 is objected to because of the following informalities: the term "*gradft-modified*" has been misspelled. Appropriate correction is required.
7. Claim 16 is objected to because of the following informalities: the phrase "A seal film or sealing" is grammatically awkward. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

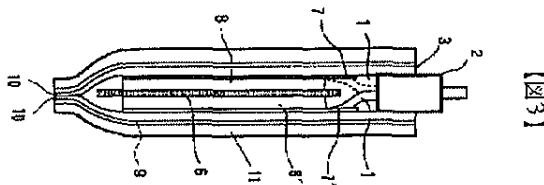
9. Claims 1, 3, 5-6, 8-9, 14 and 16 rejected under 35 U.S.C. 102(b) as being anticipated by the Japanese document JP 11-086808.

The present application is directed to a laminate for sealing a battery electrolyte or electrode wherein the disclosed inventive concept comprises the specific laminate structure. Other limitations include the specific metallic layer; the surface-treated layer; the specific adhesive resin and the seal film.

With reference to claims 1, 3, 14 and 16:

The JP'808 document discloses a sealing bag for nonaqueous electrolyte battery, the sealing bag seals the positive and negative electrodes and the electrolyte (Title/Abstract). It is disclosed that the sealing bag is formed with a material stuck together with plastic layers inserted with a metal layer such as aluminum foil and a metal deposition layer, a PET film is stuck thereto and a thermoplastic resin such as polyethylene is also stuck thereto (Abstract/Solution).

**Figure 3** below illustrates the specific layered structure of the sealing feature, particularly, the Al foil 9, the plastic layers 11 and the heat seal layers 10.



**TABLE 1** below shows the specific constitution of sealing bag including: the PET layer, an urethane adhesive, the Al foil, the acid-modified LDPE, and the heat seal layers Y and Z.

【表 1】

封入袋のシート構成	
PET	(12 $\mu$ m)
ウレタン系接着剤	(6 $\mu$ m)
アルミ箔	(9 $\mu$ m)
酸変成LDPE	(20 $\mu$ m)
ヒートシール層Y	(30 $\mu$ m)
ヒートシール層Z	(80 $\mu$ m)

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***With respect to the surface treated layer:*** the JP'808 document also discloses that the sealing bag 3 preferably comprises a laminated material comprising a substrate having a metallic vapor deposition layer sandwiched between plastic layers 10 and 11 (SECTIONS 0010-0015).

*Thus, the substrate itself having the metallic vapor deposition layer acts as the surface-treated layer over the substrate surface.* Furthermore, it is also disclosed that the plastic film 11 and the metallic foil layer 9 are adhered to each other by using adhesive, such as urethane, epoxy and polyester resins (SECTIONS 0010-0015). *Hence, the foregoing adhesive layer, to some extent, chemically treat the surface of the Al foil or the metallic layer.*

***With respect to the layer of an adhesive resin:*** it is disclosed that the acid-modified LDPE is an acid-modified polyolefin being modified by a carboxylic acid (SECTIONS 0010-0015).

As to claim 5:

The JP'808 document discloses the metal layer is made of aluminum foil (ABSTRACT/SOLUTION).

Regarding claim 6:

The JP'808 document also discloses that the sealing bag 3 preferably comprises a laminated material comprising a substrate having a metallic vapor deposition layer sandwiched between plastic layers 10 and 11 (SECTIONS 0010-0015). *Thus, the substrate itself having the metallic vapor deposition layer acts as the surface-treated layer over the substrate surface.* Furthermore, it is also disclosed that the plastic film 11 and the metallic foil layer 9 are adhered to each other by using adhesive, such as urethane, epoxy and polyester resins (SECTIONS 0010-

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0015). Hence, the foregoing adhesive layer, to some extent, chemically treat the surface of the Al foil or the metallic layer.

On the matter of claims 8-9:

It is disclosed that resin composition used for a plastic layer is mainly made of acid-denatured polyethylene or acid-denatured polypropylene (ABSTRACT/SOLUTION). It is disclosed that the acid-modified LDPE is an acid-modified polyolefin being modified by a carboxylic acid (SECTIONS 0010-0015).

Thus, the claims are anticipated.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond Alejandro whose telephone number is (703) 306-3326. The examiner can normally be reached on Monday-Thursday (8:30 am - 7:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan can be reached on (703) 308-2383. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Raymond Alejandro  
Examiner  
Art Unit 1745

